

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Kouchi)	Group Art Unit: 1631
Application No.: 10/525,749)	Examiner: SKOWRONEK, K.
Filed: February 25, 2005)	Confirmation No.: 2075
Atty. File No.: 5553KOU1-1)	

For: Biological Information Trend Display Device and Method Thereof

PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants respectfully request reconsideration of the outstanding objections and rejections in the above-identified application.

In particular, claim 10 is objection to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 1 recites “the abnormal biological information is displayed in association with information related to the source of the biological information.” Claim 10 recites “the displaying means further displays a time-series trend of biological information with the information relating to the source of the biological information.” More specifically, claim 1 is directed toward the abnormal and biological information being displayed in association with information related to the source of the biological information. Claim 10 limits not only the abnormal biological information, but also the other biological information that is displayed in association with information related to the source of the biological information.

Appellants thus respectfully submit that claim 10 clearly further defines the invention above and beyond claim 1. Withdrawal of the objection is respectfully requested.

Independent Claim 1 recites:

A biological information trend display device for displaying a time series trend of biological information, comprising:

means for obtaining a plurality of biological information;
means for determining whether the obtained biological information is abnormal biological information or not; and
means for displaying a time-series trend for each of the plurality of biological information, wherein the displaying means changes trend display style for biological information that is determined as the abnormal biological information, and wherein the displaying means further displays biological information determined as the abnormal biological information in association with information relating to the source of the biological information,
wherein a graph displaying area and a data type displaying area are provided;
the time-series trends for the plurality of biological information are overlapped and displayed on the same graph displaying area and the biological information determined as the abnormal biological information is displayed in association with information related to the source of the biological information; and
text indicating the source of the biological information is displayed on the data type displaying area in the same displaying style as the time-series trend for biological information which is determined as the abnormal biological information.

Independent Claim 3 recites:

A biological information trend display ...

means for displaying a time-series trend for each of the plurality of biological information, wherein the displaying means changes trend display style for biological information that is determined as the abnormal biological information; and
wherein the displaying means further displays biological information determined as the abnormal biological information in association with information relating to the source of the biological information, ... and
text indicating the source of the biological information is displayed on the data type displaying area in the same displaying style as the time-series trend for biological information which is determined as the abnormal biological information.

Independent claim 17 recites:

A data display device for obtaining different types of data in a time-series and displaying each of the obtained data in a graph form, wherein the data display device sets a data type

displaying area and a graph displaying area for indicating data type, and executes the procedures of:

- determining whether content represented based on the obtained data is matter to be informed or not;

- displaying the data determined as the matter to be informed in a graph form by using different graph display style from that of data not determined as the matter to be informed; and

- conforming all or a part of display style for indicating the data type to all or a part of the graph display style of the data;

- wherein the time-series graphs are displayed on the same graph displaying area; and

- text indicating the source of the data is displayed in the data type displaying area in the same displaying style as the time-series trend for data which is determined to be informed.

The Office Action rejects claims 1, 3, 5-8, 10-14, and 17-20 under 35 U.S.C. §103(a) as unpatentable over Schradi in view of Sakaguchi and in view of Dia. The Office Action asserts that Schradi shows information determined as abnormal displayed in association with information related to the source of information on column 10, lines 26-27. For the Boards convenience, lines 26-27 of Schradi state:

An alarm limit is the value at which a medical monitoring device triggers an optical and/or acoustical alarm so as to inform a user of the fact that an abnormal or dangerous condition of a patient exists.

No reasonable interpretation of either this portion of Schardi, nor any other portion of Schardi, teaches, suggests, or discloses the *information determined as abnormal being displayed in association with information related to the source of the information*. Furthermore, Appellants can find no disclosure in the other relied upon references which mention information determined as abnormal being displayed in association with information related to the source of information.

While the Office Action asserts that Schradi suggests in Fig. 3 that the displaying means displays a source for abnormal biological information but does not display the source of information that is not abnormal (column 9, lines 15-32, lines 15-32 of column 9) state:

According to the representation of FIG. 3A, the cursor 220 is arranged above a combined event, as shown at 310. If a combined event is selected, the information concerning the trigger event is always shown in inverse video in the event string box 312. The information concerning the follow-up event is shown in normal video, cf. 314.

In FIG. 3B, the case is shown where old events that occurred within the last 24 hours

have to be overwritten due to storage limitation, the time range from "minus 24 hours" to the time of the overwritten event being totally blanked, cf. the block outlined by a dashed line and designated by reference numeral 350. A display of the type "Memory Overflow--old events are overwritten" can then appear in the lower area of the review window so as to make known to the user that the oldest stored events are overwritten because of insufficient storage capacities. In the example shown in FIG. 3B, the capacity amounts e.g. to 15 stored events.

Figs. 3A and 3B of Schrader illustrate:

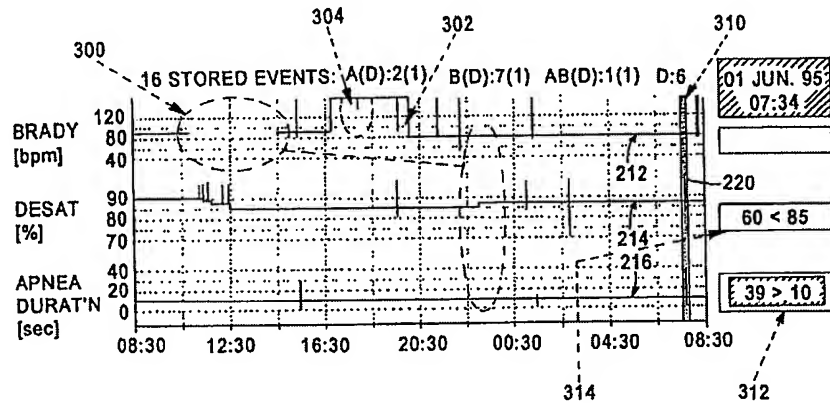
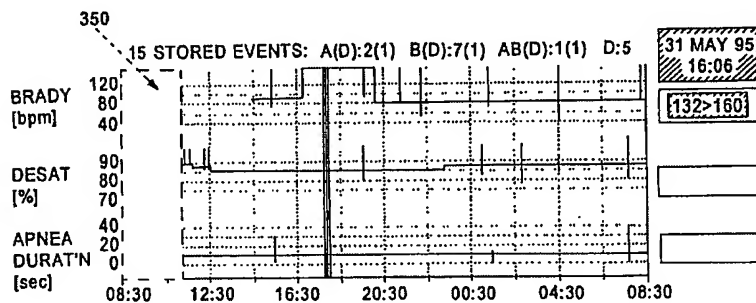


FIG.3A



Memory Overflow - old events are overwritten

FIG.3B

While the above portions of Schrader and Figs 3A-3B mention and illustrate that "memory overflow" is displayed to indicate the oldest stored events being overwritten, Appellants can find no disclosure which teaches, suggests, or discloses that the displaying means displays a source for abnormal biological information as claimed.

Moreover, and as argued in the previous response, none of the relied upon references teach, suggest, or disclose the time-series trends for the plurality of biological information are overlapped and displayed on the same graph displaying area as recited, for example, in independent claim 1.

Clearly, in that the Schardi reference, whether taken alone or in combination with the other relied upon references, fails to teach, suggest, or disclose the combination of features as recited in independent claim 1, claim 1 is clearly patentably distinguishable therefrom. In that comparable arguments can be made for the other independent claims, applicants respectfully submit that all independent claims are in condition for allowance for at least the reasons above. The dependent claims are further distinguishable at least based on the above and the additional feature(s) recited therein.

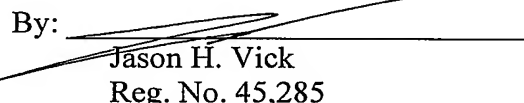
Withdrawal of the outstanding objections and rejections with a remand to the Examiner recommending a Notice of Allowance are earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account number 19-1970 any fees under 37 CFR § 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby petitioned.

Respectfully submitted,

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Date: 22 Dec '07

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